

CV

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN C. UNDERHILL,)	
)	
Plaintiff,)	
)	
v.)	No. 05 C 2874
)	
CSX TRANSPORTATION, INC.,)	
)	
Defendant.)	

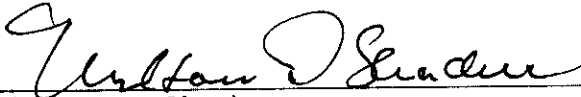
MEMORANDUM ORDER

John Underhill ("Underhill") has brought this FELA action against his employer CSX Transportation, Inc. ("CSX"), stemming from injuries that he sustained while acting as a locomotive engineer "at or near Garrett, Indiana" (Complaint ¶4). Because Underhill also resides in Indiana (Complaint ¶1), this memorandum order is issued sua sponte to inquire as to why this lawsuit should be entertained in this Illinois district court, rather than in the Indiana district where the incident took place.

This Court recognizes that venue in this judicial district may perhaps be permissible under 28 U.S.C. §1391(b) and (c),¹ on the premise that CSX "resides" here (in the sense that it is subject to personal jurisdiction). But that of course is not necessarily dispositive, for the considerations made relevant under Section 1404(a) may well point elsewhere. Accordingly Underhill's counsel are ordered to file an explanatory statement

¹ All further references to Title 28's provisions will simply take the form "Section--."

regarding their choice of venue in this Court's chambers on or before May 27, 2005 (with a copy of course to be transmitted to CSX).



Milton I. Shadur
Senior United States District Judge

Date: May 18, 2005